S.B. Civil Misc. Appeal No.1932/06
Smt. Laxmi Devi & Ors. Vs. Puran Singh & Ors.

Date of Judgment : 05/09/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Himmat Singh, for appellants

Instant appeal has been filed with the delay of 31 days for seeking enhancement of compensation awarded on account of death of Late Shri Girraj Kishore, who was 68 yrs. of age and was a retired government servant, met with an accident on 27th August, 2003.

The claimants are widow Smt. Laxmi Devi and respondents No.2 to 5 are his children and all were major even the day when the deceased met with an accident in August, 2003.

Learned Tribunal after taking into consideration the material awarded total compensation of Rs.2,50,000/- with interest at the rate of 6% from the date of filing of the claim petition i.e. 10th June, 2004.

It was alleged in the claim petition that apart from pension, he was working as part time employee and earning more than Rs.2,000/- per month and on account of his death, even the pension is also bound to reduce and in such circumstances, what has been awarded by the Tribunal under the impugned award requires enhancement.

I have considered the submission of the counsel and perused the material on record.

Undisputedly, the deceased was a retired government employee, of 68 yrs. and met with an accident in August, 2003 all of the claimants other than his wife were major

and the learned Tribunal after taking note of financial assistance which he was providing to his wife and her suffering on account of sad demise of her husband, awarded total compensation of Rs.2,50,000/- with interest at the rate of 6%.

In my opinion, what has been finally awarded by the Tribunal in the facts of the instant case to the claimants, is just and does not require interference by this court.

Consequently, the application filed u/s.5 of the Limitation Act seeking condonation of delay and so also appeal stands dismissed.

[Ajay Rastogi],J.

FRB